

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

WANDA MOORE,

Plaintiff,

V.

**SAFEHOME SYSTEMS, INC.**  
**BOARD OF DIRECTORS**

**Defendant.**

**Civil Action No. 7:21-cv-452**

**By: Michael F. Urbanski**  
**Chief United States District Judge**

## ORDER

Plaintiff's motion for leave to amend her complaint (ECF No. 17) and Defendant's motion to dismiss the original complaint (ECF No. 5) were referred to the Honorable Robert S. Ballou, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B), for proposed findings of fact, conclusions of law, and a recommended disposition. The magistrate judge filed a report and recommendation on December 22, 2021, recommending that the plaintiff's motion for leave to amend be **GRANTED in part** and **DENIED in part**. Specifically, he recommended that her motion be granted with respect to Count I, race discrimination, and denied without prejudice with respect to Count II, hostile work environment. He also recommended that Plaintiff be granted 14 days to file a motion for leave to file a Second Amended Complaint, along with a proposed Second Amended Complaint, in the event she wishes to pursue her hostile work environment claim. The magistrate judge also recommended that the court **DENY** the defendant's motion to dismiss as moot. The defendant has objected to the report and recommendation, arguing that Plaintiff's leave to amend should be denied and Defendant's motion to dismiss should be granted. ECF No. 22. The plaintiff responded

to Defendant's objection, arguing that the magistrate judge's report and recommendation should be adopted. ECF No. 23. The court is of the opinion that the report and recommendation should be adopted in its entirety.

As such, it is hereby **ORDERED** that:

1. The report and recommendation, ECF No. 21, is **ADOPTED in its entirety**.
2. Plaintiff's motion for leave to amend, ECF No. 17, is **GRANTED in part** and **DENIED in part** and the clerk is directed to docket ECF No. 17-1 as Plaintiff's Amended Complaint, alleging one count of Disparate Treatment/Intentional Race Discrimination.
3. Defendant's motion to dismiss, ECF No. 5, is **DENIED**.
4. Should Plaintiff wish to pursue further her claim of Harassment/Hostile Work Environment, she must file a motion to file a Second Amended Complaint, along with a proposed Second Amended Complaint, within 14 days of the date of this Order.
5. Pursuant to Rule 12(a)(4) of the Federal Rules of Civil Procedure, Defendant shall file its responsive pleading to the Amended Complaint, and if applicable, the Second Amended Complaint, within 30 days of the date of this Order.

Entered: May 3, 2022



Michael F. Urbanski  
Chief U.S. District Judge  
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Michael F. Urbanski  
Chief United States District Judge